

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ENRICO VACCARO, F. GREGORY  
DENEEN, and WILLIAM SLATER, on behalf  
of themselves and all others similarly situated,

Plaintiffs,

v.

NEW SOURCE ENERGY PARTNERS L.P.,  
KRISTIAN B. KOS, TERRY L. TOOLE,  
DIKRAN TOURIAN, RICHARD D. FINLEY,  
V. BRUCE THOMPSON, JOHN A. RABER,  
STIFEL, NICOLAUS & COMPANY, INC.,  
ROBERT W. BAIRD & CO. INC., JANNEY  
MONTGOMERY SCOTT LLC,  
OPPENHEIMER & CO. INC., and  
WUNDERLICH SECURITIES, INC.,

Defendants.

Civil Action No. 1:15-cv-08954 (KMW)

Hon. Kimba M. Wood

**NOTICE OF LEAD PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY  
APPROVAL OF CLASS ACTION SETTLEMENT**

PLEASE TAKE NOTICE that Lead Plaintiffs Enrico Vaccaro, F. Gregory Deneen, and William Slater ("Lead Plaintiffs"), through their attorneys, Co-Lead Counsel The Rosen Law Firm P.A. and Wolf Haldenstein Adler Freeman & Herz LLP, respectfully move this Court, pursuant to Rule 23 of the Federal Rule of Civil Procedure, before the Honorable Kimba M. Wood at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007 at a date and time to set by the Court, for an Order:

(a) Preliminarily certifying the Class for the purposes of Settlement;

- (b) Preliminarily approving the terms of the Settlement set forth in the attached Stipulation of Settlement dated June 19, 2017 (the “Stipulation”)<sup>1</sup> entered into by the parties;
- (c) Establishing a date for the Settlement Hearing to determine the fairness, reasonableness, and adequacy of the Settlement set forth in the Stipulation; and
- (d) Providing for notice to Class Members of the hearing on the proposed Settlement and dismissal of the Litigation.

The Stipulation is intended to fully and finally settle the instant class action, upon submission to stockholders and final Court approval. The purpose of this motion is to obtain preliminary court approval of the Stipulation and the form of notice of the proposed Settlement to be disseminated to Class Members. The terms of the Settlement are set forth in full in the Stipulation, which together with each of the exhibits to which it refers, is presented contemporaneously with this motion. Lead Plaintiffs submit that Preliminary approval of the Settlement, and the submission of the Settlement to the Class Members, is warranted because the “proposed settlement is fair, reasonable, and adequate,” and “the interests of the class are better served by the settlement than by further litigation.” *Manual for Complex Litigation, Fourth* § 21.61 at 309 (2004).

All Settling Parties have agreed to the Stipulation, and all Settling Parties have consented to this motion. There are no legal or factual issues in dispute. All Settling Parties have agreed that a Class should be certified for purposes of this Settlement.

The Settling Parties respectfully request that the Court set the date for the Settlement Hearing to consider final approval of the proposed Settlement at least one hundred (100) days from the date of entry of the proposed Preliminary Order. (*See* ¶ 3 of the proposed Preliminary

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<sup>1</sup> Unless otherwise defined, all terms set forth herein shall have the same meaning as the terms in the Stipulation.

Order attached as Exhibit A to the Stipulation). This will provide the Settling Parties sufficient time to give notice of the Settlement to Class Members, to process any potential objections and opt-outs, and to fully prepare for the Settlement Hearing. A table setting forth the requested schedule of events is set forth on page 20, in the accompanying memorandum of law.

Defendants do not oppose this motion.

Dated: June 19, 2017

Respectfully submitted,

**THE ROSEN LAW FIRM, P.A.**

By: /s/ Phillip Kim

Phillip Kim

Yu Shi

275 Madison Avenue, 34th Floor

New York, NY 10016

Tel.: 212-686-1060

Fax: 212-202-3827

Email: [pkim@rosenlegal.com](mailto:pkim@rosenlegal.com)

Email: [lrosen@rosenlegal.com](mailto:lrosen@rosenlegal.com)

Email: [yshi@rosenlegal.com](mailto:yshi@rosenlegal.com)

**WOLF HALDENSTEIN**

**ADLER FREEMAN & HERZ LLP**

Peter C. Harrar

Correy A. Kamin

270 Madison Avenue

New York, NY 10016

Tel: 212-545-4600

Fax: 212-686-0114

Email: [harrar@whafh.com](mailto:harrar@whafh.com)

Email: [kamin@whafh.com](mailto:kamin@whafh.com)

*Co-Lead Counsel for Plaintiffs*